STIPULATION AND ORDER OF DISMISSAL

IT IS hereby STIPULATED AND AGREED by and between the undersigned that the above-captioned action shall be, and hereby is, dismissed with prejudice and on the merits and without costs or attorneys' fees to any party as against the other. It is also stipulated and agreed that this Court will retain jurisdiction for purposes of resolving any questions or issues that might arise in connection with the dismissal of this action.

STIPULATED AND AGREED:

PELTON SERPE LLP

Brent E. Pelton (BP-1055)

111 Broadway, 9th Floor New York, New York 10006 (212) 725-3600 Attorneys for Plaintiff

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CLINTON HILL DESIGN BUILD, LTD.

By: Nick Havens Nicholps Hoven

NICK HAVENS

PARS MOGHBEL

SO ORDERED:

Hon, Deborah A. Batts, U.S.D.J. 4908

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